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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|--|
| Proceeding | 91194974 |
| Party | Plaintiff Promark Brands Inc. and H.J. Heinz Company |
| Correspondence Address | TIMOTHY P FRAELICH JONES DAY 901 LAKESIDE AVENUE CLEVELAND, OH 44114 UNITED STATES crdickson@jonesday.com |
| Submission | Motion to Extend |
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| Date | 07/13/2012 |
| Attachments | Mtn for Ext.pdf (2 pages)(70703 bytes) |

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

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|--------------------------------|---|---|
| PROMARK BRANDS INC., and H. J. |) | Opposition Nos. 91194974 and 91196358 (consolidated) |
| HEINZ COMPANY, |) | |
| |) | U.S. Trademark Application 77/864,305 |
| Opposers, |) | For the Mark SMART BALANCE |
| |) | Published in the Official Gazette |
| vs. |) | on April 20, 2010 |
| |) | |
| GFA BRANDS, INC., |) | U.S. Trademark Application 77/864,268 |
| |) | For the Mark SMART BALANCE |
| Applicant. |) | Published in the Official Gazette |
| |) | on August 10, 2010 |

PROMARK BRANDS INC. AND H. J. HEINZ COMPANY'S MOTION FOR EXTENSION

ProMark Brands Inc. and H. J. Heinz Company hereby move for an extension of 45 days of all dates set forth in the last scheduling order. Opposers seek this extension to accommodate the transition of this matter, as the counsel who has been principally involved in this opposition, Cecilia R. Dickson, is departing the firm for another position and will no longer be representing Opposers in this opposition effective July 13, 2012. Counsel has conferred with Applicant, and Applicant has not consented to this requested extension. Counsel for Opposers ask that the expert discovery deadline to take the deposition of Mr. Johnson be extended by 45 days from the current deadline of July 21, 2012 and that all other dates be reset accordingly.

Dated this 13th day of July, 2012.

Respectfully submitted,

/Timothy P. Fraelich/
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was sent by ordinary U.S. mail, postage prepaid, with a courtesy copy via email, on this 13th day of July, 2012, to Counsel for Applicant:

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